

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

<b>STEVEN BRADLEY, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 1:23-cv-01100-RDA-WEF</b>
	)	
<b>GANNETT CO, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**DEFENDANT’S MOTION TO DISMISS COMPLAINT  
AND TO DISMISS/STRIKE CLASS ALLEGATIONS**

Defendant Gannett Co., Inc. (“Gannett”), by counsel, and pursuant to Fed. Rs. Civ. P. 12(b)(1), 12(b)(6), 12(f), and 23(d), submits this Motion to Dismiss Complaint and to Dismiss/Strike Class Allegations. The reasons for Gannett’s motion are more fully explained in the accompanying memorandum of law.

1. Named Plaintiffs allege race discrimination in violation of 42 U.S.C. § 1981. Complaint (attached as **Exhibit A**), ¶¶ 1-2, 20-21, 29, 33, 94-99. Gannett seeks dismissal of Plaintiffs’ individual race discrimination claims, which are nothing but speculation and conclusory allegations and/or complain about non-actionable conduct such as performance evaluations and/or a voluntary resignation.

2. Plaintiffs’ class action allegations are also conclusory and deficient. As former employees, Plaintiffs lack standing to seek injunctive relief regarding any Gannett policy. Steven Bradley also lacks standing because he waived claims against Gannett in a separation agreement. Barbara Augsdorfer also openly discussed her “Hispanic” heritage, so she lacks standing to represent any class of “non-minorities.” Any such class of “non-minorities” is also not ascertainable by any objective means.

3. Moreover, Rule 23(b)(2) class certification is not proper where, as here, Plaintiffs seek monetary relief. Plaintiffs do not plausibly allege commonality, and there is no commonality as a matter of law. Therefore, employment decisions made by multiple managers at local newspapers throughout the country are not suitable for class certification. Finally, Rule 23(c)(4) issue certification would not materially advance this litigation because individualized determinations regarding different employment decisions by different managers at different locations cannot be avoided.

4. In their Complaint, Plaintiffs reference and rely upon the following documents, which are attached as exhibits to Gannett's Motion:

**Exhibit B:** Gannett 2020 Inclusion Report (Complaint, ¶¶ 21-25)

**Exhibit C:** Michael Kilian, *Sheila Rayam to Lead Gannett's Mohawk Valley Newsrooms*, UTICA OBSERVER-DISPATCH, March 22, 2021 (Complaint, ¶ 53)

**Exhibit D:** Crane 2020 Performance & Development Review (Complaint, ¶ 62)

**Exhibit E:** Steven Crane, *A Year Like No Other*, The Herald-Times, April 24, 2021 (Complaint, ¶ 65)

**Exhibit F:** Barbara Augsdorfer Performance Improvement Plan (Complaint, ¶ 86)

5. With respect to Gannett's submissions on standing and Plaintiffs' class allegations, Gannett also submits Attachment A, Declaration of Rana Cash, with annexed exhibit, and Attachment B, Declaration of Michelle Ferguson, with annexed exhibits.

WHEREFORE, Defendant Gannett Co., Inc. respectfully requests that the Court enter an order dismissing the Complaint in its entirety and granting such other relief the Court deems just, proper, and equitable.

Dated: November 24, 2023

/s/ Laurin H Mills

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*Attorneys for Defendant Gannett Co., Inc.*

**CERTIFICATE OF SERVICE**

I certify that on the 24th day of November 2023, I electronically filed the foregoing Motion to Dismiss Complaint and to Dismiss/Strike Class Allegations with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following attorneys for the Plaintiffs:

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/s/ Laurin H Mills